IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16928 of 2004

Between:

Kurapati Ramalakshmi, W/o. Venkatraju,
P. Rayavaram (V), Pithapuram Mandal, East Godavari District.

..... PETITIONER

AND

1 The District Collector, East Godavari District, Kakinada.
2 Revenue Divisional Officer, Kakinada, East Godavari District.
3 Mandal Revenue Officer, Pithapuram Mandal, Pithapuram, East Godavari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in issuing the proceedings D.Dis G/352/04 dated 20-07-2004 canceling the pass Books and title deeds bearing No. 322201 and 322282 of the Petitioner in respect of land to the extent Acres 5.00 in Survey No. 159 and Acres 1.11 cents in Survey No. 158/2 situated in P. Rayavaram Village, Pithapuram Mandal of East Godavari District as illegal, arbitrary, and violative of Articles 14,21 and 300A of the Constitution of India, and in total contravention of the principle of natural justice.

Counsel for the Petitioner:MR.M.VIJAY KUMAR

Counsel for the Respondents.: GP FOR REVENUE

The Court made the following :

ORDER:

Prima facie, through the impugned proceedings issued by the Revenue Divisional Officer, Kakinada, dated 20-07-2004, pattedar pass books and title deeds issued in favour of the petitioner were cancelled without issuing any notice to the petitioner, which is in clear violation of the principles of natural justice and statutory procedure as contemplated for cancellation of such pattedar passbooks once issued.

Learned Government Pleader for Revenue appearing for the respondents, who took time to ascertain whether any notice was issued about the cancellation of pattedar passbooks and title deeds, submits that he has no instructions in the matter.

The impugned order itself indicates that no notice was issued to the petitioner before passing the impugned order. Therefore, the impugned order is liable to be set aside. If any such cancellation has to be effected, it is needless to say that necessary procedure has to be followed by issuing notice to the parties likely to be affected.

In view of the above, the writ petition is allowed and the impugned order is set aside. No costs.

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28-09-2004

vs/kvni

To

1 The District Collector, East Godavari District, Kakinada.
2 The Revenue Divisional Officer, Kakinada, East Godavari District.
3 The Mandal Revenue Officer, Pithapuram Mandal, Pithapuram, East Godavari District

4 2 CCs to the Government Pleader for Revenue, High Court Buildings, Hyderabad. (O.U.T)

5 2 CD copies.